United Nations A/65/850

General Assembly

Distr.: General
25 May 2011

Original: English

Sixty-fifth session
Agenda item 45
Question of the Falkland Islands (Malvinas)

Letter dated 23 May 2011 from the Chargé d'affaires a.i. of the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

In accordance with instructions received from the Government of the United Kingdom of Great Britain and Northern Ireland, I have the honour to refer to the letter dated 6 April 2011 from the Chargé d'affaires a.i. of the Permanent Mission of Guyana addressed to you, transmitting in an annex a letter dated 2 April 2011 from the Heads of State and Government of the Union of South American Nations (UNASUR) and its five enclosures about the Falkland Islands.

The Government of the United Kingdom has no doubt about the sovereignty of the United Kingdom over the Falkland Islands or South Georgia and the South Sandwich Islands, and their surrounding maritime areas.

The principle of self-determination, enshrined in the Charter of the United Nations, underlies our position on the sovereignty of the Falkland Islands. There can be no negotiation unless and until such time as the Falkland Islanders so wish. They have made clear that they wish to retain their link to the United Kingdom, while governing their own affairs under their constitutional democracy.

The United Kingdom rejects any suggestion that the Argentine Republic has any legitimate rights over the Falklands or South Georgia and the South Sandwich Islands, and their surrounding maritime areas. The historical account that Argentina puts forward in support of its case is incorrect. No civilian population was forcibly expelled from the Falkland Islands in 1833. Indeed, the civilian population was encouraged to remain, and the majority chose to do so. British sovereignty over the Falkland Islands dates back to 1765, and the Islands have never legitimately been administered by or formed part of the Republic of Argentina. Argentina seeks to deny the basic right of self-determination to a population, many of whom can trace their history on the Islands back to the 1830s. Respecting the right of the Falkland Islanders to determine their own political future is the only sustainable solution.

The United Kingdom continues to believe that there are many opportunities for cooperation in the South Atlantic. However, in recent years the Republic of

Please recycle

Argentina has rejected these opportunities. It withdrew from cooperation on the South Atlantic Fisheries Commission, and in 2007 repudiated the 1995 Joint Declaration on Hydrocarbons. The Republic of Argentina placed a ban on charter flights travelling to the Islands in 2003. It also introduced domestic legislation to penalize companies that wish to do business in or with the Falkland Islands. In 2010, Argentina introduced a presidential decree that does not comply with international law, including the United Nations Convention on the Law of the Sea. The decree seeks to impose restrictions on vessels transiting Argentine jurisdictional waters to or from the Falkland Islands, including those transiting the international Magellan Strait. In 2011, Argentina introduced a new Argentine law aimed at penalizing companies or individuals who directly or indirectly support legitimate hydrocarbons exploration. These examples show that the Republic of Argentina has repeatedly and unilaterally taken action against the Falkland Islands and the economy of this small island community (counter to General Assembly resolution 31/49 of 1 December 1976).

The Government of the United Kingdom rejects any suggestion that hydrocarbons exploration or routine military exercises in Falkland Islands waters amounts to unilateral action by the Government of the United Kingdom and is being carried out in contravention of General Assembly resolution 31/49 of 1976. The United Kingdom supports the Falkland Islands Government's legitimate decision to explore for hydrocarbons in Falkland Islands waters in accordance with international law, including the United Nations Convention on the Law of the Sea and article 1 (2) of the International Covenant on Civil and Political Rights. The United Kingdom undertakes routine military tests of short-range missiles every six months on the Islands. It has done so since they were deployed there in response to the Republic of Argentina's invasion of the Falkland Islands in 1982. The October 2010 tests did not represent any change in the United Kingdom defence posture in the South Atlantic.

The United Kingdom has made a number of proposals for different types of cooperation and remains keen to foster a constructive relationship with Argentina and to promote practical cooperation in the South Atlantic.

Neither the Government of the United Kingdom nor the Government of the Falkland Islands is a member of the Union of South American Nations, nor were they invited to, or represented at, any of the meetings.

South Georgia and the South Sandwich Islands is a separate British Overseas Territory that is not considered under the question of the Falkland Islands, and it is not a listed territory within the purview of the United Nations decolonization committee.

I should be grateful if you would have the text of the present letter circulated as a document of the General Assembly, under agenda item 45.

(*Signed*) Philip **Parham**
Chargé d'affaires a.i.